

Declaration for Patent Application

COPY

Docket Number: 1735.0560001/RWE/BEC

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled: Substituted N'-(Arylcarbonyl)-Benzhydrazides, N'-(Arylcarbonyl)-Benzylidene-hydrazides and Analogs as Activators of Caspases and Inducers of Apoptosis and the Use Thereof, the specification of which is attached hereto unless the following box is checked:

- ☒ was filed on May 10, 2002;
as United States Application Number or PCT International Application Number 10/141,769; and
was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information that became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application, which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

_____ (Application No.)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Application No.)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

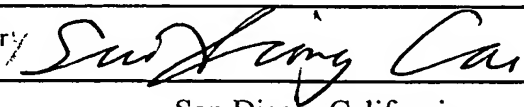
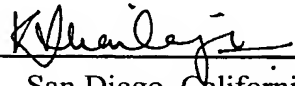

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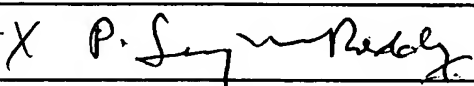

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934

Direct Telephone Calls to:

(202) 371-2600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	Sui Xiong CAI		
Signature of sole or first inventor		6/18/02	Date X
Residence	San Diego, California		
Citizenship	United States of America		
Mailing Address	3623 Berryfield Court		
	San Diego, California 92130		
Full name of second inventor	Shailaja KASIBHATLA		
Signature of second inventor	X 	7/25/02	Date X
Residence	San Diego, California		
Citizenship	United States of America		
Mailing Address	13073 Dressage Lane		
	San Diego, California 92130		
Full name of third inventor	John DREWE		
Signature of third inventor	X 	7/29/02	Date Y
Residence	Carlsbad, California		
Citizenship	United States of America		
Mailing Address	7067 Murillo Lane		
	Carlsbad, California 92009		

Full name of fourth inventor	P. Sanjeeva REDDY		
Signature of fourth inventor	X 	Date	8/21/02 X
Residence	San Diego, California		
Citizenship	India		
Mailing Address	13293 Larkfield Court		
	San Diego, California 92130		
Full name of fifth inventor	Han-Zhong ZHANG		
Signature of fifth inventor	X 	Date	6/25/02 X
Residence	San Diego, California		
Citizenship	People's Republic of China		
Mailing Address	12683 Ragweed Street		
	San Diego, California 92129		

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SKGF Rev. 5/16/01 mac

(Supply similar information and signature for subsequent joint inventors, if any)

POWER OF ATTORNEY FROM ASSIGNEE

COPY

Cytovia, a corporation of Delaware, having a principal place of business at 6650 Nancy Ridge Drive, San Diego, California 92121, is assignee of the entire right, title and interest for the United States of America (as defined in 35 U.S.C. § 100), by reason of an Assignment to the Assignee executed on (1) June 18, 2002 (2) July 25, 2002 (3) July 29, 2002 (4) Aug 2, 2002 (5) June 25, 2002 of an invention known as Substituted N'-(Arylcabonyl)-Benzhydrazides, N'-(Arylcabonyl)-Benzylidene-hydrazides and Analogs as Activators of Caspases and Inducers of Apoptosis and the Use Thereof (Attorney Docket No. 1735.0560001/RWE/BEC), which is disclosed and claimed in a patent application of the same title by the inventor(s) (1) Sui Xiong Cai, (2) Shailaja Kasibhatla, (3) John Drewe, (4) P. Sanjeeva Reddy and (5) Han-Zhong Zhang (said application filed on May 10, 2002 at the U.S. Patent and Trademark Office, having Application Number 10/141,769).

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32,893

The Assignee hereby appoint the U.S. attorneys associated with **CUSTOMER NUMBER 28393** to prosecute this application and any continuation, divisional, continuation-in-part, or reissue application thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith, such attorneys currently being: Robert Greene Sterne, Esq., Reg. No. 28,912; Edward J. Kessler, Esq., Reg. No. 25,688; Jorge A. Goldstein, Esq., Reg. No. 29,021; David K.S. Cornwell, Esq., Reg. No. 31,944; Robert W. Esmond, Esq., Reg. No. 32,893; Tracy-Gene G. Durkin, Esq., Reg. No. 32,831; Michele A. Cimbala, Esq., Reg. No. 33,851; Michael B. Ray, Esq., Reg. No. 33,997; Robert E. Sokohl, Esq., Reg. No. 36,013; Eric K. Steffe, Esq., Reg. No. 36,688; Michael Q. Lee, Esq., Reg. No. 35,239; Steven R. Ludwig, Esq., Reg. No. 36,203; John M. Covert, Esq., Reg. No. 38,759; Linda E. Alcorn, Esq., Reg. No. 39,588; Lawrence B. Bugaisky, Esq., Reg. No. 35,086; Donald J. Featherstone, Esq., Reg. No. 33,876; and Robert C. Millonig, Esq., Reg. No. 34,395. The Assignee hereby grants said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

Send correspondence to:

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W.
Suite 600
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U.S.A.

Direct phone calls to 202-371-2600.

FOR: Cytovia, Inc.
SIGNATURE: X Ben Y Tseng
BY: X Ben Y. Tseng, Ph.D.
TITLE: X Vice President, Biology
DATE: X July 29, 2002

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Certificate Under 37 C.F.R. § 3.73(b)

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Applicant/Patent Owner: Sui Xiong Cai, Shailaja Kasibhatla, John Drewe,
P. Sanjeeva Reddy and Han-Zhong Zhang

Application No./Patent No.: 10/141,769 Filed/Issue Date: May 10, 2002

Substituted N'-(Arylcabonyl)-Benzhydrazides, N'-(Arylcabonyl)-Benzylidene-hydrazides and Analogs
Entitled: as Activators of Caspases and Inducers of Apoptosis and the Use Thereof

Cytovia, Inc., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest, or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A. ☒ An Assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s) of the patent application/patent identified above to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (*i.e.*, the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Date: X July 29, 2002

Name: X Ben Y. Tseng, Ph.D.

Title: X Vice President, Biology

Signature: X Ben Y Tseng

ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned inventor(s): Sui Xiong Cai, Shailaja Kasibhatla, John Drewe, P. Sanjeeva Reddy and Han-Zhong Zhang, the undersigned inventor(s) hereby sell(s) and assign(s) to Cytovia, Inc. (the Assignee) their entire right, title and interest, including the right to sue for past infringement and to collect for all past, present and future damages:

check applicable box(es) ☒ for the United States of America (as defined in 35 U.S.C. § 100),
☒ and throughout the world,

(a) in the invention(s) known as Substituted N'-(Arylcarbonyl)-Benzhydrazides, N'-(Arylcarbonyl)-Benzylidene-hydrazides and Analogs as Activators of Caspases and Inducers of Apoptosis and the Use Thereof for which application(s) for patent in the United States of America has (have) been executed by the undersigned on

(1) June 18, 2002 (2) July 25, 2002
(3) July 29, 2002 (4) Aug. 2, 2002
(5) June 25, 2002 (also known as United States Application No. 10/141,769, filed May 10, 2002), in any and all applications thereon, in any and all Letters Patent(s) therefor, and

(b) in any and all applications that claim the benefit of the patent application listed above in part (a), including continuing applications, reissues, extensions, renewals and reexaminations of the patent application or Letters Patent therefor listed above in part (a), to the full extent of the term or terms for which Letters Patents issue, and

(c) in any and all inventions described in the patent application listed above in part (a), and in any and all forms of intellectual and industrial property protection derivable from such patent application, and that are derivable from any and all continuing applications, reissues, extensions, renewals and reexaminations of such patent application, including, without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file applications therefor; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable;

all such rights, title and interest to be held and enjoyed by the above-named Assignee, its successors, legal representatives and assigns to the same extent as all such rights, title and interest would have been held and enjoyed by the Assignor had this assignment and sale not been made.

The undersigned inventor(s) agree(s) to execute all papers necessary in connection with the application(s) and any continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such application(s) as the Assignee may deem necessary or expedient.

The undersigned inventor(s) agree(s) to execute all papers necessary in connection with any interference or patent enforcement action (judicial or otherwise) related to the application(s) or any

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32,893

continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application(s) thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference or patent enforcement action.

The undersigned inventor(s) hereby represent(s) that he/she has full right to convey the entire interest herein assigned, and that he/she has not executed, and will not execute, any agreement in conflict therewith.

The undersigned inventor(s) hereby grant(s) Robert Greene Sterne, Esquire, Registration No. 28,912; Edward J. Kessler, Esquire, Registration No. 25,688; Jorge A. Goldstein, Esquire, Registration No. 29,021; David K.S. Cornwell, Esquire, Registration No. 31,944; Robert W. Esmond, Esquire, Registration No. 32,893; Tracy-Gene G. Durkin, Esquire, Registration No. 32,831; Michele A. Cimbala, Esquire, Registration No. 33,851; Michael B. Ray, Esquire, Registration No. 33,997; Robert E. Sokohl, Esquire, Registration No. 36,013; Eric K. Steffe, Esquire, Registration No. 36,688; Michael Q. Lee, Esquire, Registration No. 35,239; Steven R. Ludwig, Esquire, Registration No. 36,203; John M. Covert, Esquire, Registration No. 38,759; Linda E. Alcorn, Esquire, Registration No. 39,588; Lawrence B. Bugaisky, Esquire, Registration No. 35,086; Donald J. Featherstone, Esquire, Registration No. 33,876; and Robert C. Millonig, Esquire, Registration No. 34,395, all of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C., 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned inventor(s) on the date opposite his/her name.

Date: <u>6/18/02</u>	Signature of Inventor: <u></u> Sui Xiong Cai
Date: <u>7/25/02</u>	Signature of Inventor: <u></u> Shailaja Kasibhatla
Date: <u>7/29/02</u>	Signature of Inventor: <u></u> John Drewe
Date: <u>8/2/02</u>	Signature of Inventor: <u></u> P. Sanjeeva Reddy
Date: <u>6/15/02</u>	Signature of Inventor: <u></u> Han-Zhong Zhang

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